

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:09 CR 20**

UNITED STATES OF AMERICA,

Vs.

ANDREW TAB KILPATRICK.

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ORDER

THIS MATTER has come before the Court, pursuant to a pleading filed by counsel for Defendant entitled “Notice of Pending Graduation” (#45). On August 10, 2011 there was filed by the United States Probation Office a petition alleging that Defendant had violated terms and conditions of his supervised release. After a hearing regarding the issue of detention, the undersigned entered an Order on August 31, 2011 releasing Defendant on terms and conditions of pre-hearing release which required that Defendant be transported to the Christian Love Ministries in Murphy, NC and remain at Christian Love Ministries pending his completion of treatment which was expected to be in early December of 2011. From the document filed by counsel for Defendant it appears that Defendant will complete his treatment at Christian Love Ministries on Friday, November 18, 2011. It is unlikely that Defendant could be transported from Murphy, NC to Asheville, NC for further proceedings to take place on that same date, that being November 18, 2011. As a

result, the undersigned has determined to enter an Order directing that after the graduation of Defendant from Christian Love Ministries he be taken by his custodian to the Cherokee County Sheriff's Office and into the custody of the Sheriff's Office. The undersigned will then conduct a hearing on Monday, November 21, 2011 in Asheville, NC to determine whether or not Defendant should be released pending further hearings in this matter.

ORDER

IT IS, THEREFORE, ORDERED that on **November 18, 2011** Defendant's custodian shall, after Defendant's graduation from Christian Love Ministries, take Defendant to the Cherokee County Sheriff's Office in Murphy, NC and surrender Defendant to the Sheriff's Office. The Sheriff's Office shall then transport Defendant to the United States Courthouse in Asheville, NC on November 21, 2011 for further hearing to determine whether or not Defendant shall continue to be released on terms and conditions of pre-hearing release. The hearing in this matter is set for **November 21, 2011 at 9:30 a.m.** in Courtroom #2 of the United States Courthouse in Asheville, NC.

Signed: October 18, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

